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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CARLOS JESUS JORDAN LOPEZ,
15 Defendant.

CASE NO. 1:23-MJ-00111-EPG

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: February 2, 2024
TIME: 2:00 p.m.
COURT: Hon. Barbara A. McAuliffe

17 This case is set for a preliminary hearing on February 2, 2024. The parties agree and stipulate to
18 continue the preliminary hearing until March 15, 2024, at 2:00 p.m. before the duty magistrate. Defense
19 counsel has continued to be engaged in discussions and further investigation and needs additional time
20 to conclude that process. Attorney Mario Tafur has taken over the direct representation of defendant
21 Lopez and has only recently been able to in person confer with his client. Additionally, the parties are
22 engaged in discussions and investigation of issues related to a possible pre-indictment resolution as well
23 as consultation with or seeking consultation with experts. There are complex factual and legal issues the
24 parties are exploring and believe that additional time to conclude that process will be productive in
25 moving the case forward. Discovery necessary for this process, including multimedia, are being
26 prepared and will be provided to the defense within the next week.

27 If the case is continued, this Court should designate a new date for the preliminary hearing.
28 *United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be

1 “specifically limited in time”).

2 **STIPULATION**

3 Plaintiff United States of America, by and through its counsel of record, and defendant, by and
4 through defendant’s counsel of record, hereby stipulate as follows:

5 1. By previous order, this matter was set for preliminary hearing on February 2, 2024.

6 2. By this stipulation, defendant now moves to continue the preliminary hearing until

7 **March 15, 2024, at 2:00 p.m.** and to exclude time between February 2, 2024, and March 15, 2024.

8 3. The parties agree and stipulate, and request that the Court find the following:

9 a) The parties are discussing and conducting further investigation into pre-
10 indictment matters and need additional time to conclude.

11 b) Counsel for defendant desires additional time to consult with his client, conduct
12 further investigation, and further discuss charges with the government.

13 c) Counsel for the defendant and the Government are engaged in resolution
14 discussions and believe that additional time is necessary to conclude those discussions.

15 d) Counsel for defendant believes that failure to grant the above-requested
16 continuance would deny her the reasonable time necessary for effective preparation, taking into
17 account the exercise of due diligence.

18 e) The government does not object to the continuance.

19 f) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later
20 than 14 days after initial appearance if the defendant is in custody,” unless the defendant
21 consents and there is a “showing of good cause”. Here, the defendant consents and there is good
22 cause as set forth herein.

23 g) Based on the above-stated findings, the ends of justice served by continuing the
24 case as requested outweigh the interest of the public and the defendant in an indictment or trial
25 within the original dates prescribed by the Speedy Trial Act.

26 h) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
27 et seq., within which an indictment must be filed and within which a trial must commence, the
28 time period of February 2, 2024 to March 15, 2024, inclusive, is deemed excludable pursuant to

18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at
defendant's request on the basis of the Court's finding that the ends of justice served by taking
such action outweigh the best interest of the public and the defendant in a speedy
indictment/trial.

4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
Speedy Trial Act dictate that additional time periods are excludable from the period within which an
indictment must be filed and a trial must commence.

IT IS SO STIPULATED.

Dated: January 30, 2024

PHILLIP A. TALBERT
United States Attorney

/s/ DENNIS L LEWIS

DENNIS L LEWIS
Assistant United States Attorney

Dated: January 30, 2024

/s/ MARIO TAFUR

MARIO TAFUR
Counsel for Defendant
CARLOS JESUS JORDAN
LOPEZ

ORDER

IT IS SO ORDERED that the preliminary hearing is continued from February 2, 2024, to **March
15, 2024, at 2:00 p.m. in Courtroom 8 before Magistrate Judge Stanley A. Boone.** Time is excluded
pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv).

IT IS SO ORDERED.

Dated: January 30, 2024

/s/ Barbara A. McAuliffe

UNITED STATES MAGISTRATE JUDGE